

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RENAISSANCE III CONDO ASSOCIATION )  
UNIT OWNERS, INC., and STATE FARM )  
FIRE AND CASUALTY COMPANY, )

Plaintiffs, )

v. )

SIMPLEXGRINNELL, LP, )

Defendant. )

No.: 3:09-CV-354  
(VARLAN/GUYTON)

**ORDER**

This civil action is before the Court on defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 41 [Doc. 24]. In support of the motion to dismiss, defendant explains that the Court entered an order on February 10, 2010 requiring that Mr. Vedat Aboush inform the Court, on behalf of plaintiff Renaissance III Condo Association Unit Owners, Inc., by March 10, 2010 whether plaintiff intended to retain other counsel or proceed pro se [*see* Doc. 20]. Mr. Aboush has failed to comply with that order. Federal Rule of Civil Procedure 41(b) provides that, "If the plaintiff fails to prosecute or to comply with . . . a court order, a defendant may move to dismiss the action or any claim against it."

Defendant requests on this basis that the Court dismiss plaintiff's complaint. Renaissance has filed no response to the motion to dismiss, and the time for doing so has now passed. *See* E.D.TN. LR 7.1(a). A failure to respond may be deemed a lack of opposition to the relief sought. E.D.TN. LR 7.2.

In light of Mr. Aboush's failure to comply with the Court's February 10, 2010 order, the lack of opposition, and for good cause shown, defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 41 [Doc. 24] is **GRANTED**. Plaintiff Renaissance III Condo Association Unit Owners, Inc. is **DISMISSED** as a party to this case. State Farm Fire and Casualty Company remains as intervenor plaintiff in this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE